



January 26, 2001

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## HOUSE BILL No. 1405

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DIGEST OF HB 1405 (Updated January 25, 2001 10:04 AM - DI 94)

**Citations Affected:** IC 36-8.

**Synopsis:** County police officer COLAs. Allows a county to provide cost of living payments to a retired or disabled county police officer who is less than 55 years of age if the county has funds for the additional payments.

**Effective:** July 1, 2001.

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January 11, 2001, read first time and referred to Committee on Local Government.  
January 25, 2001, reported — Do Pass.

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HB 1405—LS 7024/DI 87+



January 26, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## HOUSE BILL No. 1405

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A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 36-8-10-23 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 23. (a) This section  
3 applies to a county that adopts the provisions of this section by an  
4 ordinance of the county fiscal body.  
5 (b) The county fiscal body may provide for:  
6 (1) an annual cost of living payment to retired or disabled  
7 employee beneficiaries, or both; or  
8 (2) an ad hoc cost of living payment to retired or disabled  
9 employee beneficiaries, or both. The amount of the ad hoc cost of  
10 living payment under this subdivision is not an increase in the  
11 base pension benefit calculated under section 12 or 12.1 of this  
12 chapter.  
13 (c) In the case of an annual cost of living payment granted under  
14 subsection (b)(1), the amount of the cost of living payment shall be  
15 determined each year by the pension engineers under this subsection.  
16 The pension engineers shall determine if there has been an increase in  
17 the Consumer Price Index (United States city average) prepared by the

**HB 1405—LS 7024/DI 87+**



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1 United States Department of Labor by comparing the arithmetic mean  
 2 of the Consumer Price Index for January, February, and March of the  
 3 payment year with the same three (3) month period of the preceding  
 4 year. If there has been an increase, the increase shall be stated as a  
 5 percentage of the arithmetic mean for the three (3) month period for the  
 6 year preceding the payment year (the adjustment percentage). The  
 7 adjustment percentage shall be rounded to the nearest one-tenth of one  
 8 percent (0.1%) and may not exceed three percent (3%).

9 (d) In the case of a cost of living payment granted under subsection  
 10 (b)(2), the amount of the cost of living payment shall be determined by  
 11 the county fiscal body and may be:

12 (1) a percentage increase, not to exceed the percentage  
 13 determined under subsection (c); or

14 (2) a fixed dollar amount.

15 (e) A payment authorized under this section shall be made to each  
 16 authorized retired or disabled employee beneficiary and may be made  
 17 annually, semiannually, quarterly, or monthly.

18 (f) A cost of living payment granted under this section shall be  
 19 funded by a direct appropriation or by maintaining a fully funded  
 20 actuarially sound trust fund.

21 (g) **Except as provided in section 23.1 of this chapter**, a cost of  
 22 living payment granted under this section is applicable only to retired  
 23 or disabled employee beneficiaries who are at least fifty-five (55) years  
 24 of age.

25 (h) No provision of this section shall be made part of any ordinance  
 26 or agreement concerning collective bargaining. No provision of this  
 27 section shall be subject to bargaining under any statute, ordinance, or  
 28 agreement.

29 SECTION 2. IC 36-8-10-23.1 IS ADDED TO THE INDIANA  
 30 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 31 [EFFECTIVE JULY 1, 2001]: **Sec. 23.1. A county that provides a**  
 32 **cost of living payment to retired or disabled employee beneficiaries**  
 33 **under section 23 of this chapter may provide for a cost of living**  
 34 **payment to a retired or disabled employee beneficiary who is less**  
 35 **than fifty-five (55) years of age if the county has funds for the**  
 36 **additional payments.**

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1405, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

STEVENSON, Chair

Committee Vote: yeas 13, nays 0.

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